

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

CHAPWOOD CAPITAL INVESTMENT  
MANAGEMENT, LLC and  
ED BUTOWSKY,  
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Plaintiffs,  
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v.  
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§  
CHARLES SCHWAB & CO., INC.,  
WALTER W. BETTINGER, II, and KEVIN  
LEWIS,  
§  
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§  
Defendants.

## **FOURTH UPDATED JOINT STATUS REPORT**

On October 30, 2018, the Court entered an Order and Report and Recommendation of United States Magistrate Judge (“Order”) (Dkt. 15), dismissing without prejudice several Defendants and referring the Plaintiffs Chapwood Capital Investment Management, LLC and Ed Butowsky (collectively, “Plaintiffs”) and the remaining Defendants Charles Schwab & Co., Inc., Walter W. Bettinger, II, and Kevin Lewis, (collectively, “Defendants”), “to binding arbitration, as agreed to by the parties.” The Court’s Order required the parties to submit a joint status report by February 27, 2019. The parties submitted a Joint Status Report (Dkt. 16), upon which this Court entered another Order (“Second Order”) (Dkt. 17) for the parties to submit an updated joint status report by May 30, 2019, on which date the parties filed an Updated Status Report (Dkt. 19). On June 6, 2019, the Court issued another Order (“Third Order”) (Dkt. 20) for the parties to submit an updated joint status report by August 30, 2019, on which date the parties filed a Second Status Report (Dkt. 21). On December 2, 2019, the Court entered an Order (“Fourth Order”) requiring the parties to “provide an updated status report indicating the status of this matter by March 27,

2020, or within seven days of the completion of the agreed arbitration, whichever is sooner.” (Dkt. 24). Pursuant to that Fourth Order, the remaining parties state as follows:

1. On August 27, 2019, Plaintiffs in this matter submitted a Demand for Arbitration with JAMS in Dallas, Texas, naming as Respondents each of the remaining Defendants in this matter. Plaintiffs copied counsel for Defendants via email on the submission.
2. On November 5, 2019, Defendants filed their Response to Plaintiffs’ Demand for Arbitration with JAMS and served it on Plaintiffs
3. On November 5, 2019, JAMS appointed three arbitrators.
4. On December 9, 2019, JAMS sent a First Request for Missing Items to Plaintiffs advising that it is missing the “Pre-hearing retainer in the amount of \$7,000.00, made payable to JAMS.”
5. On January 13, 2020, JAMS sent a Second Request for Missing Items to Plaintiffs advising that it is missing the “Pre-hearing retainer in the amount of \$7,000.00.”
6. Following this request, Plaintiffs’ counsel Ty Clevenger communicated with JAMS in February and March 2020 informing JAMS of certain personal information relating to Mr. Butowsky causing the delay in payment. Mr. Butowsky has been in and out of the hospital for the past three months, and he is currently awaiting further treatment. Mr. Clevenger apprised Defendants’ counsel of these communications on March 25, 2020.
7. No further action in this matter has occurred.

Dated: March 27, 2020

Respectfully submitted,

*/s/ Brett C. Govett*

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*Counsel for Defendants Charles Schwab & Co., Inc., Walter W. Bettinger, II, and Kevin Lewis*

Respectfully submitted,

*/s/ Ty Clevenger*

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to be filed)

*Counsel for Plaintiffs Chapwood Capital  
Investment Management, LLC  
and Ed Butowsky*

**CERTIFICATE OF SERVICE**

This pleading, Joint Status Report, was served in compliance with Rule 5 of the Federal Rules of Civil Procedure via the Court's ECF system, on March 27, 2020:

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*/s/ Brett Govett*

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